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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No. '07 MJ 27 35
	)	
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Pedro GONZALEZ-Valenzuela,	)	Deported Alien Found in the
	)	United States
	)	
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **November 24, 2007** within the Southern District of California, defendant, **Pedro GONZALEZ-Valenzuela,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF **NOVEMBER, 2007**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Pedro GONZALEZ-Valenzuela

PROBABLE CAUSE STATEMENT

On November 24, 2007, Border Patrol Agent J. Nava responded to a call by the West Scope Operator of three individuals in an area known as Goat's Canyon. This area is approximately five miles west of the San Ysidro, California Port of Entry and 150 yards north of the United States/Mexico International Boundary. Upon arriving in the area the West Scope Operator guided Agent Nava to where the individuals were hiding in thick brush. Agent Nava identified himself as a Border Patrol Agent and questioned them as to their citizenship. All three subjects including one later identified as the defendant **Pedro GONZALEZ-Valenzuela**, freely admitted to being citizens and nationals of Mexico without the proper immigration documents to be or remain in the United States legally. At approximately 7:20 P.M., the three individuals were arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 16, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.